

February 1, 2011

Maine



FFY
2009

IDEA PART B STATE PERFORMANCE PLAN

July 1, 2009 – June 30, 2010



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Part B State Annual Performance Report (APR) for FFY2009

The APR that follows presents the indicator performance in a consistent design that will enable the reader to follow the discussion and quickly determine specific details of the report. The indicators are presented on the OSEP defined template design for the APR for most indicators. As required for FFY2009, indicators 4b, 13, and 14 are presented on the SPP template and includes baseline data and targets for the remainder of the SPP. In order to highlight key aspects of the report, color and font selections were used for specific data and passages. The chart below provides a legend for the formats used throughout the document.

Legend

<i>Measurable and Rigorous Target data are presented in each indicator in this style (Arial, 10 pt, purple, italic)</i>	
Actual performance/compliance data for FFY 2009 are presented in each indicator in this font style (Arial, 10 pt, blue)	
Statement from the Response Table	State's Response
OSEP's Response Letter and Table, received June 2010, requested a specific response in Maine's February 1, 2011 APR for certain indicators. Responses are presented in side-by-side tabular form for each indicator requiring a response. (Times New Roman, 11 pt)	Maine's response will appear in the typical font used in the body of the report narrative (Arial, 12 pt).
Dark red text indicates submission on the SPP template as required for indicators 4B, 13, and 14.	

Several indicators update SPP Improvement Activities. Those changes are described in the "**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**" section of the indicator narrative and have been edited into the SPP. Due to the requirement for extension of the SPP targets through FFY2013, both the APR and updated SPP will be submitted to OSEP on February 1, 2011. The APR and the updated SPP will also be posted on the Maine Department of Education website located at URL <http://www.maine.gov/education/speced/spp/index.html> by February 11, 2011.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development

This Annual Performance Report (APR) is the fifth report of the progress toward the Measureable and Rigorous targets established in the State Performance Plan (SPP) on December 2, 2005. This APR reports improvement in a number of key indicators of the plan resulting from efforts in multiple program and support areas in the State of Maine.

Stakeholder group activities

Maine Advisory Council on the Education of Children with Disabilities (MACECD) is the stakeholder group providing guidance and support to the Maine Department of Education in implementing the State Performance Plan (SPP). Progress on the APR is shared with the full body of this group monthly. As a group of dedicated volunteers with the best interests of children with disabilities age birth through 20 in mind, MACECD started its year with a planning meeting. MACECD began its work on the Annual Performance Report (APR) and the SPP by reviewing the timetable for draft availability. They were asked by the Maine Department of Education to look at the documents with a critical eye and assess what needed to be addressed in order to ensure accurate and adequate service delivery to the students receiving Special Education Services in the State of Maine.

An early task in MACECD's planning meeting was the reseating of four committees to concentrate on specific sub-sets of the indicators for the year: Due Process and Quality Assurance Monitoring (B-15 through B-20, C-9 through C-14) ; Early Transition (C-2 through C-8, B-6 and B-12); Student Performance (B-1 through B-7, B-14); and Evaluation, Services and Treatment (C-1, C-7, B-8 through B-10). MACECD's monthly agenda includes items for the MACECD membership as well as committee breakout sessions. The committees assess data and make advisory recommendations to the Commissioner of Education on unmet needs from the committees' respective subject areas. The recommendations are addressed and integrated into the operation of the Department (program review, dispute resolution, funding, technical assistance, professional development, and discretionary programs) to improve support to special education students statewide.

Improvement Activities in the Preschool System

Child Development Services provides the information for children 3 to 5 on the Part B APR. CDS has undergone significant structural, fiscal, and human resource changes as a result of legislative action in each year since 2006. A structural analysis of the changes was included in the APR submitted for FFY2006. This structure has been retained relatively unchanged for the past two years which has supported stability in the system. Stability, however, in no way indicates status quo for this system. The system has faced a number of challenges during the past year and has emerged as an entity with growing resiliency. During FFY2009, CDS was involved in the following initiatives:

- The centralization of the fiscal process for the system received a clean audit for all regional sites and for the Child Development Services State Intermediate Educational Unit (CDS State IEU).

- The Case-e data system has undergone continuing improvements which support our ongoing oversight of the interrelationship of the fiscal, data, and monitoring systems and supports data gathering for the APR.
- The CDS website has added a section on the Birth to Twenty (B-20) General Supervision System (GSST) which serves as an emerging representation of the intricacies of our system.
- The web based system for the applications for Local Entitlement Plans was revised to reflect regional site corrective action plans (CAPs) with inclusion of goals to reflect work toward closure of the CAPs.
- The Targeted Technical Assistance and Professional Development Calendar of Events has merged and is now also a part of the website fostered and designed by the Expanding Inclusive Opportunities Initiative (<http://www.umaine.edu/ExpandInclusiveOpp/default.htm>) which is a joint venture of MDOE and Maine's Department of Health and Human Services (DHHS).
- A training committee comprised of regional representatives and CDS State IEU personnel meet monthly to discuss areas of training needed throughout the system. From these conversations, trainings are provided in varied modalities. This committee assists in determining the professional development needs of the system and serves as an oversight committee for the expenditure of Part C ARRA funds.
- Collaboration with other state agencies was enhanced by the work of representatives from MDOE/CDS and DHHS to create a revised Interagency Agreement that is in effect as of October 15, 2010 (<http://www.maine.gov/education/speced/cds/documents/Interagencyagreement2010.pdf>).
- A team comprised of CDS state IEU employees and representatives from the field completed work on a revision of our state-mandated IFSP form and accompanying guidance materials (<http://www.maine.gov/education/speced/cds/forms/index.html>).
- The Birth to 20 General Supervision System Team (GSST) utilized the Part C Critical Elements Analysis Guide (CrEAG) to review our system plan. This review has led the team to focus on refinements and institutionalization of our system.
- Year 4 site monitoring was completed for all sites with a completion date of June 30, 2010.
- Administrative and Informational Letters were developed to provide policy direction (<http://www.maine.gov/education/speced/cds/adminlett.html>).
- The CDS system reorganized from 15 sites to 9 to respond to fiscal curtailments at the state government level. A committee with representatives from the CDS state level advisory board and CDS sites completed work on the reorganization in May 2010 and the changeover was effective as of July 1, 2010 (<http://www.maine.gov/education/speced/cds/sites/reorg.html>).
- CDS added a part-time Part C Technical Advisor position July 1, 2009 with ARRA funds. This position (http://www.maine.gov/education/speced/cds/jobs/documents/part_c_technical_advisor.pdf) was moved to full time July 1, 2010 as part of the reorganization initiative.

- CDS added a full-time Part B Technical Advisor position (http://www.maine.gov/education/speced/cds/jobs/documents/part_b_technical_advisor.pdf) effective July 1, 2010 as a part of the reorganization initiative. One goal for this individual is to work with the Part C technical advisor to support transition from Part C to Part B.
- CDS added a Central Referral Coordinator position (http://www.maine.gov/education/speced/cds/jobs/documents/central_referral_coordinator.pdf) as of July 1, 2010 as a result of the reorganization initiative and the work on the interagency agreement with DHHS.

Improvement activities in the full 3-20 system

- The MDOE General Supervision system page of the website has been revised as a result of B-20 GSST team completion of tasks and/or development of documents for use by SAUs in the State (<http://www.maine.gov/education/speced/gsst/index.html>).
- The web based system for the application for 3-20 Local Entitlement Plans was revised to reflect CIMP.
- A committee tasked by the Birth to 20 internal MDOE IDEA team has completed work on review of our state-mandated IEP form and accompanying guidance materials. The guidance document is on the website. The IEP will be on the website and ready for SAU utilization July 1, 2011.
- The former Birth to Five General Supervision System Team (GSST) is fully integrated into the expanded Birth to 20 GSST team. This group utilized the Part C and Part B Critical Elements Analysis Guide (CrEAG) to review our system plan. This review led the team to focus on refinements and institutionalization of our system.
- Annual Monitoring was completed for all CDS sites and 48 SAUs serving children 5-20 with a completion date of June 30, 2010. Administrative and Informational Letters were developed to provide policy direction.
- The 5-20 SAUs in Maine continued the reorganization effort that began in 2007. The B-20 GSST provided guidance regarding indicators and expectations to the newly configured Birth to 20 SAUs at the fall MADSEC conference (<http://www.madsec.org/ProfessionalDevelopment/FallConference/tabid/80/Default.aspx>).

Technical Assistance

During FFY2005, The Maine Department of Education (MDOE) developed an informative presentation that was delivered in regional meetings throughout the State to inform the LEA of the requirements of the law and reporting. The LEAs received detailed information on the SPP, the indicators and their intent, and an early glimpse of the expected consequences of poor performance or non-compliance. In FFY2006 the Department conducted a continuing series of informational and technical assistance meetings where the data for the first year of public reporting were shared using an indicator-by-indicator description of the performance measurements and the compliance requirements. These meetings provided an opportunity for LEAs to review their LEA specific data in a forum where data experts could respond to questions and encourage

improvement planning. The data presented and discussed included the initial LEA determinations, a description of levels of determination, and the time-phased interventions and sanctions provided in IDEA law and regulation. During FFY 2007, the technical assistance became more intense and directed at specific LEAs demonstrating determination levels of Needs Assistance and Needs Intervention (no LEA was determined Needs Substantial Intervention). LEAs with the lowest determination levels were asked to contact the Maine Department of Education and RMC Research for additional support and technical assistance. Each LEA was provided with a self-assessment protocol and guidance to prepare an improvement plan addressing the determinations in their first year profile. Several LEAs completed the initial self-assessment. In FFY 2008, the intensity increased further with the evolution of Continuous Improvement Monitoring Process (CIMP). In FFY2009, CIMP elements were integrated into our application for local entitlement funds so that LEAs would consider appropriate use of funds as they responded to data and program changes in their improvement plans.

Improvement and Corrective Action

The Maine Department of Education (MDOE) Office of Special Services implements a birth to twenty (B-20) General Supervision System Team (GSST) to oversee all aspects of performance improvement, compliance monitoring, and correction of non-compliance. Evaluations and interventions focus on improving infant, toddler and school-age student outcomes. The process is designed to enhance partnerships among the MDOE Office of Special Services, Child Development Services (CDS) sites, LEAs, other educational and community agencies, service providers, and parents in implementing Part C and Part B of the Individuals with Disabilities Education Act (IDEA). These partnerships focus on early intervention and special education services and systems that directly impact results for children, and on the development and implementation of improvement strategies to address identified needs.

GSST coordinates improvement using an LEA-driven process founded on evidence-based decision-making and aligns with IDEA State Performance Plan (SPP) compliance and performance indicators. This alignment supports a close relationship between special education improvement planning and other LEA or community improvement planning efforts.

Training and Plan Development

Maine Department of Education developed and presented webinar training for LEA teams on the improvement planning process. LEA teams completed assignments for each section of the self-assessment thereby demonstrating their ability to translate the data findings in their LEA Profile to action steps in their Improvement/Corrective Action Plan. All parts of the training, the forms used, and the supporting materials were made available on the website

http://www.state.me.us/education/speced/spp/spp_ta.html#all_indicators for LEA teams to use. The data analyses were then used to produce detailed improvement plans and corrective actions where performance or compliance data indicated. Department personnel and contactors reviewed all proposals to ensure alignment with data,

adoption of evidenced-based strategies to accomplish needed improvements, and verification procedures for timely corrective actions.

The process of improvement in the State is evolving. At the time of the origination of the SPP, LEAs understood very little of the requirements of the IDEA reauthorization of 2004. All data profiles, each revision of the SPP and APR, and all technical assistance documentation are posted on web pages on the Maine Department of Education website (Beginning at: <http://www.state.me.us/education/speced/spp/index.html>).

Determination Levels of LEAs

All LEAs receive and review on a yearly basis a letter with their determination status, the rubric “Local Determination Levels Assistance and Enforcement”, and the LEA profile. Data profile designs based on the 2008-2009 performance and compliance data were developed for each Local Educational Agency (LEA), including CDS sites and School Administrative Units, in the State. The profiles provide indicator-specific performance and compliance data to the LEA and to the public for use in program improvement. The LEA profiles are used as the basis for determinations of LEA program performance. Each indicator is evaluated for level of determination to provide the LEA with measurement-specific feedback on their implementation of IDEA with regard to the SPP indicators. The individual determinations are then used to develop an overall determination with respect to the requirements of the State Performance Plan (SPP) in one of the four required categories: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention. These determinations set the level of support and intervention provided and defined areas of require action and follow-up.

Alignment with Nation Technical Assistance Resources

Maine contracts with technical assistance, professional development and dissemination resources throughout the State to provide scientifically based materials and instruction to educators, parents and interested parties. Contracts developed during the 2008-2009 school year include an objective requiring the contractor to serve as a liaison between the Department and national technical assistance centers that provide scientifically researched based resources that can be useful for Local Education Agencies (LEAs).

Maine sought and received technical assistance from national technical assistance centers to assist the State in its efforts to improve results in critical areas of performance and compliance highlighted in OSEP’s June 3, 2010 determination response letter. These efforts are described in detail in the narrative of indicators 11, 12, and 15 in this report.

Child Development Services contracts with technical assistance, professional development and dissemination resources throughout the State to provide scientifically based materials and instruction to educators, parents and interested parties. Contracts developed with contractors during FFY2009 included an objective requiring the contractor to serve as a liaison between the Department and national technical

assistance centers that provide scientifically researched based resources that can be useful for Local Education Agencies (LEAs). All contractors providing technical assistance to LEAs in the State are aligned with and engaging the services of national technical assistance centers in order to provide the most current best practice available.

Additionally, CDS has requested assistance in the areas of LRE for children three to five, natural environment birth to two, expanding inclusion opportunities, Child Outcomes Summary Form (COSF), transition from C to B and preschool to kindergarten, General Supervision System, APR assistance, and data analysis from the Northeast Regional Resource Center (NERRC), NECTAC, OSEP, Early Childhood Outcomes (ECO) Center, ITCA, and WESTAT. CDS State IEU personnel participate in OSEP, NECTAC, and NERRC teleconferences as frequently as possible. Maine CDS applied for and was chosen by ECO to be part of the framework partnership work that is underway.

The CDS State IEU was represented at the Data Managers Conference in June 2010, the NERRC Part C Virtual Conference in June 2010, the ECO Conference in June 2009, 2010, the Leadership Conference in DC in August 2009, the Part C and 619 Coordinators Conference in DC in December 2009 and the WESTAT National Accountability Center Advisory Board meeting in November 2010 (the State Director of the CDS State IEU is a member of this board).

Data System

Maine contracted with Infinite Campus to provide a statewide student data management system enhancement to the Maine Education Data Management System (MEDMS). Features and capabilities have significantly improved data reporting ease while providing increased performance, data backups, and integral data validations. This reporting year, data were provided from the enhanced MEDMS for the 2009-2010 school year. The data are valid and reliable and a number of external and internal validations and confirmations ensure complete and correct data entry. The Infinite Campus implementation of MEDMS provides a modern database system and industry standard forms designed to greatly simplify adapting the system to collect needed data. Reports of 618 child count, discipline, assessment performance, personnel, exits, and student demographic information are all compiled from a single data source in the MEDMS Infinite Campus implementation. Additionally, the Infinite Campus implementation is integrated with Maine's Longitudinal Data Grant (CFDA 84.372A) to ensure compatibility of the data system with the State's future requirements and historical data stores.

Consolidation

Maine continues its LEA consolidation efforts across the State. During the 2006-2007 school year, LEAs across the State began conversations about developing partnerships with nearby school administrative units and regionalizing to achieve savings, as required in legislation without adversely affecting students in the classroom. These alignments and conversations have been guided in part by the data developed through the SPP process. An expectation of the consolidation process is that LEAs will become

larger as communities combine resources and identify with one another. This will help compensate for Maine's declining enrollment by building larger service areas for the students educated in the newly defined regions, but it also will change the data associated with those students in a way that will compromise comparison of LEA percentages until the consolidation effort is complete.

Summary

The next page displays a brief summary of indicator performance to Maine's State Performance Plan. The chart compares data presented in the FFY 2008 Annual Performance Report, the targets for FFY 2009, and indicator performance for FFY 2009.

Federal Fiscal Year 2009 Part B Annual Performance Report

Summary of Progress toward Maine's State Performance Plan

SPP Indicator	FFY 2008 Performance				FFY 2009 Target				FFY 2009 Performance			
1. Graduation Rate	70%				84%				65%			
2. Dropout Rate	3.8%				2.5%				5.5%			
3. Assessment	AYP Reading		95%		AYP Reading		98%		AYP Reading		95%	
	AYP Math			AYP Math		AYP Math						
	Participation Reading				Participation Reading				Participation Reading			
	98%				98%				97%			
	Participation Math				Participation Math				Participation Math			
	99%				98%				97%			
	Proficiency Reading				Proficiency Reading				Proficiency Reading			
	3 rd – 8 th		HS		3 rd – 8 th		HS		3 rd – 8 th		HS	
	35%		15%		66%		60%		31%		15%	
	Proficiency Math				Proficiency Math				Proficiency Math			
3 rd – 8 th		HS		3 rd – 8 th		HS		3 rd – 8 th		HS		
32%		11%		71%		44%		29%		13%		
4. Discipline	0.03%				1.60%				0.07%			
5. LRE (6-21)	Regular Class		54%		Regular Class		64%		Regular Class		56%	
	Self-Contained		12.5%		Self-Contained		9%		Self-Contained		10.6%	
	Separate		3.4%		Separate		3.3%		Separate		3.2%	
6. LRE (3-5)												
7. Developmental Outcomes (children age 3-5)		A	B	C								
	did not improve	7%	8%	7%								
	improved not nearer	23%	21%	21%		A	B	C		A	B	C
	improved nearer	32%	35%	21%	1	63%	66%	58%	1	60.9%	59.9%	63.5%
	improved comparable	20%	21%	19%	2	37%	35%	51%	2	37%	31.3%	53%
	maintained	17%	14%	32%								
8. Parent Involvement	91%				91%				91%			
9. Disproportionality in Special Education	0%				0%				0%			
10. Disproportionality in Disability	0%				0%				0%			
11. Timeliness	91.3%				100%				84.9%			
12. Transition, age 3	86.6%				100%				91.7%			
13. Transition, age 16	n/a				Baseline data				88%			
14. Post-school outcomes	n/a				Baseline data				35.5%	92%	94.6%	
15. Compliance Monitoring	93%				100%				44.8%			
16. Complaints	100%				100%				100%			
17. Hearings	100%				100%				n/a			
18. Resolution Sessions	50%				45%				25%			
19. Mediations	86%				82%				77%			
20. Reporting	95.2%				100%				98.8%			

Part B State Annual Performance Report (APR) for FFY2009

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

Measurement:

Data and calculations of graduation rate calculation for students with disabilities is the same data and calculation as used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA).

The definition of high school graduation rate is to compare the number of students that entered ninth grade with the number that receive a regular high school diploma in accordance with Maine 05-071 CMR Ch. 127 by the end of the fourth year after entering ninth grade for the first time. For students with an IEP, or LEP students with a Personal Learning Plan that extends the time to earn a high school diploma, up to six years can be allowed and will be also counted separately. Extending the timeframe for completion allows this federal accountability criterion to align with Maine's established accountability system.

Maine determines the graduation rate as follows:

$$\left[\frac{\text{On-time graduates by year } x}{[(\text{first time 9}^{\text{th}} \text{ graders in year } x-4) + (\text{Transfers-In}) - (\text{Transfers-Out})]} \right] \times 100$$

This rate includes "Other Completers" as well as regular graduates in the denominator

Graduation Rate for 2009:

Total On-time Graduates 2008/09	Total First Time 9 th graders in 2004/05	Total Transfers-in	Total Transfers-out	Graduation Rate
1615	2432	1109	1046	64.7%

Percent = $[1615 / (2432 + 1109 - 1046)] * 100 = 64.7$

FFY	Measurable and Rigorous Target for FFY2009
2009	At least 84% of youth with IEPs graduating from high school with a regular diploma

FFY	Actual Target Data for FFY2009
2009	64.7% of youth with IEPs graduated from high school with a regular diploma

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Calculations and data for the 2009 graduates are the same as those used for reporting under Title I of the Elementary and Secondary Education Act (ESEA). However, in previous years Maine used a High School Completion rate calculation for graduation rate because data for special education students could not be disaggregated by grade. The reported Actual Target Data for FFY2009 are not comparable with data reported in previous years.

For the graduation rate for the class of 2009, Maine compared the number of students who entered ninth grade for the first time four years earlier in the fall of 2005 and received a “regular” diploma in 2009. For this calculation the denominator contains the cohort of all first time ninth graders from four years earlier plus all transfers into this cohort minus all transfers out (e.g., death, moving to another Maine school). The numerator contains only “regular” diploma recipients from the four year cohort. “Regular” diplomas include diplomas received by students granted five/six years by their IEP, and Limited English Proficient (LEP) students granted five/six years as part of their documented Personal Learning Plans. In both of these cases the students met the requirements of the Maine *Learning Results*. These five/six year “regular” diploma recipients are tabulated separately allowing them to be extracted in order to produce a four-year cohort graduation rate. This approach satisfies both the National Governor’s Association and No Child Left Behind (or ESEA) graduation requirements while aligning with Maine’s practice of allowing students with disabilities and LEP students more than four years to meet Maine’s “regular” diploma standards.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

Measurement:

Data and calculations of the graduation rate calculation for students with disabilities are the same data and calculation as used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA).

The number students with IEPs dropping out of high school divided by the number of students with IEPs enrolled in high school.

Percent = $[(\# \text{ students with IEPs recorded as dropouts}) \div (\# \text{ students with IEPs secondary enrollment})] \text{ times } 100$

Percent = $[(530/9659)] \times 100 = 5.5$

The same data are used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA).

FFY	Measurable and Rigorous Target for FFY2009
2009	<i>A dropout rate of 2.5% or lower for students with IEPs</i>
FFY	Actual Target Data for FFY2009
2009	5.5% dropout rate for students with IEPs

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

The data presented for FFY 2009 are complete and accurate; the data include dropouts and enrollment from all 133 public high schools in the State. 530 dropouts were recorded among 9,659 secondary students, for a dropout rate of 5.49% using the calculation methods presented in the measurement description above and in the SPP. Actual performance for dropout rate data does not meet the target established for FFY 2009.

The Continuous Improvement Monitoring Program Birth through 20 (CIMP) requires the self-assessment sections to result in an individualized improvement plan. The CIMP includes a self-assessment (Section 3) which is an in-depth self-assessment of this indicator. This component has been developed by RMC (Arlington, VA) by reviewing scientifically researched prototypes that have been formatted for Maine. By ranking six statements regarding Graduation Policies, Courses, and Programs of Study and four statements on High School Completion Data and Activities, the LEA has developed its own rubric with a rating score and priority rank. The items for

improvement are targeted and transferred to the Improvement/Corrective Action Plan.

The indicator-specific self-assessment was adapted for Maine by RMC (Arlington, VA) from the School Dropout Prevention Program Self-Assessment Rubric (Maine Dropout Prevention Guide, 2006); the Dropout Prevention Planning Guidebook: A Guide for School District Planning and Self-Assessment Tool (Reinvesting in Youth Dropout Prevention Initiative, 2006); and the National Standards and Quality Indicators for Secondary Education and Transition Self-assessment (National Alliance for Secondary Education and Transition, 2005).

Alignment with the ESEA reporting method required a minor change in the calculation of dropout rate. The original SPP measurement was calculated using secondary enrollment determined by age because the data system was incapable of disaggregating special education students by attending grade. The Maine Education Data Management System (MEDMS) now has the disaggregation capability for the special education subgroup, so the population is determined by grade.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

State assessment participation and proficiency targets and measurement have been aligned with ESEA and use the same data as are used for accountability reporting under ESEA. Measurable and Rigorous Target values for FFY 2009 and subsequent years have been revised in the SPP to adopt the targets in the ESEA accountability plan. The format for presentation of data follows the guidelines presented in the "Optional APR Template For B3" provided on the Regional Resource Center website. Website: (<http://spp-apr-calendar.rfcnetwork.org/search/results/sort/default/bi/3>)

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.
- Participation rate for children with IEPs.
- Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

Measurement:

A. AYP percent = [(# of LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of LEAs that have a disability subgroup that meets the State's minimum "n" size)] times 100.

$$\text{AYP percent} = [(143) / (150)] * 100 = 95$$

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

$$\text{Math} = [(15979) / 16530] * 100 = 97$$

$$\text{Reading} = [(16007) / 16542] * 100 = 97$$

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

Subject	Grades 3 through 8	High School	All IEP students
Math	$[(4163)/14375]*100 = 29$	$[(285)/2155]*100 = 13$	$[(4448)/16530]*100 = 27$
Reading	$[(4452)/14387]*100 = 31$	$[(320)/2155]*100 = 15$	$[(4472)/16542]*100 = 29$

FFY	Measurable and Rigorous Target for FFY2009						
2009	A. LEAs Meeting AYP for disability subgroup		B. Participation for students with IEPs		C. Proficiency for students with IEPs		
	Reading	Math	Reading	Math	Reading	Math	Grade
	98%		98%	98%	66%	71%	3 – 8
					60%	44%	High school
FFY	Actual Target Data for FFY2009						
2009	A. LEAs Meeting AYP for disability subgroup		B. Participation for students with IEPs		C. Proficiency for students with IEPs		
	Reading	Math	Reading	Math	Reading	Math	Grade
#	143/150		16007/16542	15979/16530	4452/14387	4163/14375	3 – 8
%	95%		97%	97%	31%	29%	
#					320/2155	285/2155	High school
%					15%	13%	

Public reports of assessment results are located at the following websites:

Grades 3 through 8 - http://www.maine.gov/education/mea/school_reports.htm

High School - http://www.maine.gov/education/mhsa/school_reports.htm

Documentation, descriptions, and data on all aspects of Maine's Comprehensive Assessment System are available at <http://www.maine.gov/education/lsalt/index.htm>

Actual Target Data for FFY2009 (discussion and disaggregated data):

A. Percent of the LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.

Adequate Yearly Progress (AYP) is calculated annually for all schools (not LEAs) with student populations larger than 41. Determination of AYP of LEAs with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup is accomplished by verifying that ALL eligible schools in the LEA meet AYP for BOTH reading and math performance for students with disabilities. In order to meet the AYP target for the subgroup, the LEA must have met ESEA benchmarks in BOTH reading and math. Targets and target data are therefore to be reported overall (reading and math), not separately for reading

and math. The SPP targets have been adjusted to meet these requirements. Performance did not meet the target in FFY2009.

Year	Total Number of LEAs	Number of LEAs Meeting the "n" size	Number of LEAs that meet the minimum "n" size and met AYP for FFY 2009	Percent of LEAs
FFY 2009 (2009-2009)	219	150	143	95%

B. Participation rate for children with IEPs.

The participation rate for children with IEPs in the math assessment did not meet the target.

Disaggregated Target Data for Math Participation:

Statewide Assessment – 2009-2009		Math Assessment							
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	Total
									# %
a	Children with IEPs	2174	2528	2415	2446	2437	2375	2155	16530 100%
b	IEPs in regular assessment with no accommodations	609	410	360	359	362	394	726	3220 19%
c	IEPs in regular assessment with accommodations	1460	1890	1884	1879	1845	1729	992	11679 71%
d	IEPs in alternate assessment against grade-level standards								
e	IEPs in alternate assessment against modified standards								
f	IEPs in alternate assessment against alternate standards	3	178	136	145	178	200	240	1080 7%
g	Overall (b+c+d+e) Baseline	2069	2300	2244	2238	2207	2123	1718	14899 90%
Children included in a but not included in the other counts above*									
	Account for any children with IEPs that were not participants in the narrative.	102	50	35	63	52	52	197	551 3%

*Included in the number of children with IEPs, but not in the participating students, are those students absent on the dates of administration.

The participation rate for children with IEPs in the reading assessment did not meet the target.

Disaggregated Target Data for Reading Participation

Statewide Assessment – 2009-2009		Reading Assessment							
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	Total
									# %
a	Children with IEPs	2177	2525	2415	2452	2440	2378	2155	16542 100%
b	IEPs in regular assessment with no accommodations	590	401	356	358	372	397	727	3201 19%
c	IEPs in regular assessment with accommodations	1478	1887	1872	1875	1826	1726	1004	11668 71%
d	IEPs in alternate assessment against grade-level standards								
e	IEPs in alternate assessment against modified standards								
f	IEPs in alternate assessment against alternate standards	3	189	153	160	188	204	241	1138 7%
g	Overall (b+c+d+e) Baseline	2068	2288	2228	2233	2198	2123	1731	14869 90%
Children included in a but not included in the other counts above*									
Account for any children with IEPs that were not participants in the narrative.		106	48	34	59	54	51	183	535 3%

*Included in the number of children with IEPs, but not in the participating students, are those students absent on the dates of administration.

C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

The math proficiency rate for children with IEPs is below the target. In FFY2008 overall math proficiency was 29% compared with 27% this year, so the math proficiency rate slipped overall.

Disaggregated Target Data for Math Performance

Statewide Assessment – 2007-2009		Math Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	2265	2726	2577	2627	2632	2599	2172	17598	100%
b	IEPs in regular assessment with no accommodations	285	208	182	141	120	99	74	1109	6%
c	IEPs in regular assessment with accommodations	398	520	506	439	323	255	101	2542	14%
d	IEPs in alternate assessment against grade-level standards									
e	IEPs in alternate assessment against modified standards									
f	IEPs in alternate assessment against alternate standards	3	169	125	107	155	128	110	797	5%
g	Overall (b+c+d+e) Baseline	683	728	688	580	443	354	175	3651	21%

The reading proficiency rate for children with IEPs is below the target. In FFY2008 overall reading proficiency was 32% compared with 30% this year, so the reading proficiency rate slipped overall.

Disaggregated Target Data for Reading Performance

Statewide Assessment – 2007-2009		Reading Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	2265	2737	2594	2642	2642	2603	2172	17655	100%
b	IEPs in regular assessment with no accommodations	347	224	195	164	155	120	107	1312	7%
c	IEPs in regular assessment with accommodations	437	472	541	444	399	365	102	2760	16%
d	IEPs in alternate assessment against grade-level standards									
e	IEPs in alternate assessment against modified standards									
f	IEPs in alternate assessment against alternate standards	1	143	129	82	118	116	111	700	4%
g	Overall (b+c+d+e) Baseline	784	696	736	608	554	485	209	4072	23%

Discussion of Data:

Data presented for participation and performance in this indicator are the same as formerly reported in the 618 Table 6, submitted this year via EDFacts (file specifications N003, N004, and N093). These data are validated during the initial reporting stages of the AYP process: counts of students are checked against the reported attending population on the tested date and confirmed by the Superintendent of the LEA; and scores are confirmed by Measured Progress using data validation rules contracted with the Maine Department of Education.

Maine has joined New Hampshire, Rhode Island and Vermont in the yearly development and administration of the New England Common Assessment Program (NECAP). This assessment is used by participating states to meet No Child Left Behind Act requirements for testing reading and math once each year from grade 3 through grade 8. The states also include a writing assessment administered at grades 5 and 8. The first NECAP administration in Maine began in October 2009.

NECAP assesses the learning of NECAP Grade Level Expectations (GLEs), which are located at the NECAP Standards webpage (<http://www.maine.gov/education/necap/index.html>). NECAP is designed to assess learning from the prior year (teaching year) at the beginning of the next school year (testing year). Therefore, grades 2-7 reading and math are assessed at the beginning of grades 3-8. Maine's personalized alternate assessment program (PAAP) is now provided for students in grades 2-7 to align with this testing schedule.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Title IA works directly with school staff to review the participation and performance rates of all students (whole group and subgroups) which include students with IEPs. For schools experiencing challenges with participation rates, Title IA reviews current practices, provides technical assistance related to best practices, and works with the CIPS schools to create a plan for success. In order to help schools improve math and reading performance, Title IA starts by teaching staff how to conduct a review of annual assessment data, looking at gap analysis and trends. Title IA then assists the school in conducting a needs assessment and to explore root causes for poor performance.

Improvement activities implemented this year were aligned with public dissemination of data and determination of the status of LEAs based on the FFY2008 performance and compliance results. The FFY2008 statewide assessment data were disaggregated to the LEA level and presented as a part of the LEA performance profiles made public so that LEAs, parents and other interested parties could review LEA performance and take appropriate actions. Assessment data were not included in the determination structure because to do so created a redundancy with Adequate Yearly Progress assignments made by NCLB. However, the data were included in the profiles and are included in the improvement plan templates provided with technical assistance support.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

The FFY2009 Annual Performance Report (APR) submission requires that indicator 4B provide baseline data and measurable and rigorous targets on the State Performance Plan (SPP) template. To facilitate reporting the two formats, indicator 4 is split into two sections. This first section addresses the annual performance of indicator 4A. Immediately following is a report of indicator 4B.

Monitoring Priority: FAPE in the LRE

Indicator 4A: Rates of suspension and expulsion:

- A. Percent of LEAs that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

Measurement:

A. Percent = [(# of LEAs that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of LEAs in the State)] times 100 = $[(0)/(150)] * 100 = 0$

Maine also measures the rate of suspension and expulsion using a simple rate formula (data from Table 5, section 3A):

Percent = [(number of students with disabilities suspended or expelled for more than 10 days) divided by the (number of students with disabilities)] times 100 = $[(23)/(30132)] * 100 = 0.07$

B. Reported separately (see SPP template immediately following this APR indicator report).

State's definition of significant discrepancy:

The following decision rules were used to determine if there was a significant discrepancy in the rates of suspensions/expulsions of children with disabilities:

- The LEA has to have a minimum of 10 students;
- The number of students suspended or expelled has to be greater than 1;
- The percentage of special education students suspended/expelled in the LEA has to be at least 3.5 times greater than that the three year average for ALL special education students suspended and expelled (the SEA average).

If an LEA met these 3 conditions it was considered to have a significant discrepancy between its rate of suspension/expulsion for students with IEPs and the state average for suspensions/expulsions of students with IEPs.

FFY	Measurable and Rigorous Target for FFY2009
2009	<p><i>Reduce the suspension expulsion rate for students with IEPs from 1.70% to 1.65%.</i></p> <p><i>Maintain the number of LEAs with significant discrepancies at 0</i></p>

FFY	Actual Target Data for FFY2009
2009	Suspension and expulsion rate for students with IEPs = 0.07% The number of LEAs with significant discrepancies = 0

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Data from 2008-2009 report of children with disabilities subject to disciplinary removal were examined to determine if significant discrepancies were occurring in the rates of long-term (>10 days) suspensions and expulsions. At that point in time, the LEAs in the State were configured as 150 entities. Data on rates of suspension and expulsion for children with disabilities were compared to the rates for non-disabled children in each LEA. Data were further disaggregated by ethnicity and similarly compared (see indicator 4B below). None of the LEAs exhibited a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days.

Performance met the targets for this indicator. No LEA exceeded the limit for significant discrepancy for rates of suspension/expulsion overall, or by ethnicity. The rate of suspension/expulsion of students with disability continues to be below the target.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

The FFY2009 Annual Performance Report (APR) submission requires that indicator 4B provide baseline data and measurable and rigorous targets on the State Performance Plan (SPP) template. To facilitate reporting the two formats, indicator 4 is split into two sections. This report of indicator 4B is presented on the SPP template as required.

Monitoring Priority: FAPE in the LRE

Indicator 4B: Rates of suspension and expulsion:

- B. Percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Measurement:

B. Percent = [(# of LEAs that have: Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. = [(0)/(150)]*100 = 0

State's definition of significant discrepancy:

The following decision rules were used to determine if there was a significant discrepancy in the rates of suspensions/expulsions of children with disabilities:

- The LEA has to have a minimum of 10 students;
- The number of students suspended or expelled has to be greater than 1;
- The percentage of special education students suspended/expelled in the LEA has to be at least 3.5 times greater than that the three year average for ALL special education students suspended and expelled (the SEA average).

If an LEA met these 3 conditions it was considered to have a significant discrepancy between its rate of suspension/expulsion for students with IEPs and the state average for suspensions/expulsions of students with IEPs.

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.	Baseline data and targets are included in this FFY 2009 APR and in the accompanying FFY 2009 SPP, submitted February 1, 2011.

Overview of Issue/Description of System or Process:

Maine collects behavioral incidents in its state student information system, Maine Education Data Management System (MEDMS), and uses those data for tracking suspensions and expulsions, incidences of prohibited behavior, and other reporting. The system provide reports of aggregate incident data for EDFacts reporting, resulting in the data previously submitted in 618 data report Table 5, REPORT OF CHILDREN WITH DISABILITIES SUBJECT TO DISCIPLINARY REMOVAL. The same data are also reported for all students. Those data sets are disaggregated by LEA to permit analysis of suspension and expulsion data by LEA and ethnicity. Maine has very small non-Caucasian populations that are clustered in communities within the State, causing significantly variant populations of non-Caucasian from LEA to LEA in the State. Comparison of local populations to state populations is inappropriate. However, it is quite appropriate to evaluate the identifications rates of students in ethnic group in special education to the ethnic proportions of the population within the LEA. The LEA population is reflective of the community population and can be compared locally.

Definition of Significant Discrepancy

The following decision rules were used to determine if there was a significant discrepancy in the rates of suspensions/expulsions of children with disabilities. Rules are defined as follows:

- The LEA has to have a minimum of 10 students;
- The number of students suspended or expelled has to be greater than 1;
- The percentage of special education students suspended/expelled in the LEA has to be at least 3.5 times greater than the three year average for ALL special education students suspended and expelled (the SEA average).

If an LEA met these 3 conditions it was considered to have a significant discrepancy between its rate of suspension/expulsion for students with IEPs and the state average for suspensions/expulsions of students with IEPs.

Baseline Data for FFY 2009 (2009-2010) for indicator 4B

To determine whether a significant discrepancy existed between or among different ethnic groups, the data from 2008-2009 were assessed using simple comparative measures of proportion. Analysis concluded that suspensions/expulsions are **not greater for minority students than for the population as a whole**.

Discussion of Baseline Data:

This is a compliance indicator so the target is set at 0%.

FFY	Measurable and Rigorous Target for FFY2009
2010 (2010-2011)	0% of districts have a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs resulting from policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
2011 (2011-2012)	0% of districts have a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs resulting from policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
2012 (2012-2013)	0% of districts have a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs resulting from policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Improvement Activities/Timelines/Resources (through 2012):

Improvement Activities	Timelines								Resources
	FFY Year when activities will occur								
	05	06	07	08	09	10	11	12	
Review of data will be conducted each year for all LEAs. Those LEAs exhibiting disproportionate representation will receive a focus monitoring review to assess their policies practices and procedures for identification.						X	X	X	GSST

Improvement Activities	Timelines									Resources
	FFY Year when activities will occur									
	05	06	07	08	09	10	11	12		
Technical assistance and professional development will be provided to LEAs who have not met the target.						X	X	X	GSST	

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100 = $[(16098)/(28923)] * 100 = 56$
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100 = $[(3070)/(28923)] * 100 = 10.6$
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100 = $[(928)/(28923)] * 100 = 3.2$

Data used in the calculations above were submitted in the February 2009 child count data in 618 data Table 3 for children ages 6 through 20 (Maine does not serve children beyond the age of 20).

FFY	Measurable and Rigorous Target for FFY2009		
2009	<i>Inside the regular class 80% or more of the day</i>	<i>Inside the regular class less than 40% of the day</i>	<i>In separate schools, residential facilities, or homebound/hospital placements</i>
	<i>Greater than 64%</i>	<i>Less than 9%</i>	<i>Less than 3.3%</i>
FFY	Actual Target Data for FFY2009		
2009	Inside the regular class 80% or more of the day	Inside the regular class less than 40% of the day	In separate schools, residential facilities, or homebound/hospital placements
	56%	10.6%	3.2%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

The percentage of children served in public or private separate schools, residential placements, or homebound or hospital placements met the target. The percentage of children served in the regular classroom and the percentage of students served in self-contained placements did not meet targets.

Local Entitlement Applications for 2009 included data for each LEA to consider regarding classroom placement. Those LEAs not meeting targets evaluated their programs and requested funds based in part on the data. Maine contracts with technical assistance, professional development and dissemination resources throughout the State to provide scientifically based materials and instruction to educators, parents and interested parties. Training and technical assistance provide clear and appropriate guidance about inclusion and supports for children with disabilities aligned with the intent to provide the least restrictive environment to meet students' educational needs.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Reporting of indicator 6 is not required for FFY2009.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility

Measurement:

A. Percent = $\left[\frac{\text{(\# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program)}}{\text{(total \# of children aged 3 through 5 with IEPs)}} \right] \times 100$.

B. Percent = $\left[\frac{\text{(\# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility)}}{\text{(total \# of children aged 3 through 5 with IEPs)}} \right] \times 100$.

FFY	Measurable and Rigorous Target for FFY2009	
2009	Targets have not been set for this indicator	
FFY	Actual Target Data for FFY2009	
2009	A. % attending a regular early childhood program <i>(not required for FFY 2009)</i>	B. % attending a separate special education class <i>(not required for FFY 2009)</i>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Data for preschool settings is not required to be reported this year. Data collection is being conducted this year in preparation for reporting in the FFY2010 APR due February 1, 2012.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

None required.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{(\# of preschool children who did not improve functioning)}}{\text{(\# of preschool children with IEPs assessed)}} \right] \text{ times } 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}} \right] \text{ times } 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{(\# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it)}}{\text{(\# of preschool children with IEPs assessed)}} \right] \text{ times } 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who improved functioning to reach a level comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}} \right] \text{ times } 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $\left[\frac{\text{(\# of preschool children who maintained functioning at a level comparable to same-aged peers)}}{\text{(\# of preschool children with IEPs assessed)}} \right] \text{ times } 100$.

Summary Statements for Each of the Three Outcomes (use for FFY 2009-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1: Percent = $\frac{\text{\# of preschool children reported in progress category (c) plus \# of preschool children reported in category (d)}}{\text{\# of preschool children reported in progress category (a) plus \# of preschool children reported in progress category (b) plus \# of preschool children reported in progress category (c) plus \# of preschool children reported in progress category (d)}} \text{ times } 100$

$$\text{Outcome A} = [(232+171)/(38+221+232+171)]*100 = 60.9$$

$$\text{Outcome B} = [(256+162)/(33+247+256+162)]*100 = 59.9$$

$$\text{Outcome C} = [(170+169)/(26+169+170+169)]*100 = 63.5$$

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100

$$\text{Outcome A} = [(171+117)/(38+221+232+171+117)]*100 = 37$$

$$\text{Outcome B} = [(162+82)/(33+247+256+162+82)]*100 = 31.3$$

$$\text{Outcome C} = [(169+242)/(26+169+170+169+242)]*100 = 53$$

FFY	Measurable and Rigorous Target for FFY2009	
2009	1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program
Outcome A.	63%	37%
Outcome B.	66%	35%
Outcome C.	58%	51%
FFY	Actual Target Data for FFY2009	
2009	1. Percent substantially increased their rate of growth	2. Percent of preschool children who were functioning within age expectations
Outcome A.	60.9%	37%
Outcome B.	59.9%	31.3%
Outcome C.	63.5%	53%

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.	See tables below.

Targets and Actual Data for Preschool Children Exiting in FFY 2009 (2009-10)

Summary Statements	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	63	60.9
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	37	37
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	66	59.9
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	35	31.3
Outcome C: Use of appropriate behaviors to meet their needs		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	58	63.5
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	51	53

Progress Data for Preschool Children FFY 2009

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	38	4.9
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	221	28.4
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	232	29.8
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	171	22.0
e. Percent of children who maintained functioning at a level comparable to same-aged peers	117	15.0
Total	N=779	100%

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	33	4.2
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	247	31.7
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	256	32.8
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	162	20.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	82	10.5
Total	N=780	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	26	3.4
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	169	21.8
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	170	21.9
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	169	21.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	242	31.2
Total	N=776	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

In response to federal outcome reporting requirements and to improve intervention services for children with disabilities, Maine has implemented an outcome reporting system to measure the percent of children with IEPs who demonstrate: improved positive social-emotional skills; acquisition and use of knowledge and skills; and use of appropriate behaviors to meet their needs. The procedures used throughout the CDS system are based extensively on the work of and recommendations made by the Early Childhood Outcomes Center (ECO).

The Child Outcomes Summary Form (COSF) was selected as the data collection tool and Child Development Services requires all regional sites to complete the COSF at entry, annually and at exit (from services or in transition from Part C to Part B).

A great effort has been made to build a system to collect and report data that are both valid and reliable. Improvement activities that have been completed over the course of the year include:

- Lunch and Learn Sessions

- “From File to APR” training
 - Training on the requirements of outcomes
 - Training on the monitoring checklist. The checklist is utilized as part of the monitoring requirements or for the regional site to review their COSF submissions.
- Site/user specific training
- Review of completed COSF for accuracy/completeness
 - Technical assistance (TA) occurs frequently and is available at any time for all site personnel. An example of the continuous availability for TA is when the COSFs are submitted electronically to the CDS State IEU. At that time, they are reviewed for accuracy. If there is information that is omitted, misplaced, missing, incomplete, inaccurate or unclear the form is returned to the Site Director and/or Case Manager to be reviewed, completed and resubmitted. If the corrections needed are not clear then the Data Distinguished Educator provides TA to the personnel to ensure their competence in the area. The Part C/619 Policy Manager is also available to provide TA to all sites and site personnel.
- Updated Child Outcome Summary Form (COSF)
 - The form has been modified throughout the year to ensure information collected is accurate and reliable.
- Partner state of the Outcomes Measurement System Framework and Self-assessment project (http://www.fpg.unc.edu/~eco/pages/frame_dev.cfm)

When considering the actual data for FFY2009 in regards to slippage or progress the quality of the data is an essential consideration. An indicator of quality is stability over time. A key factor considered is that the size of the data set has more than doubled from FFY2008 to FFY2009. The number of children in the data set enhances data validity and the data becomes more representative of the system.

- In FFY2008, 257 children were assessed and in FFY2009, 779 children were assessed.
- Progress has been made in all areas except Outcome A1 (Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program), Outcome B1 (Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program), Outcome B2 (The percent of children who were functioning within age expectations in Outcome B by the time they exited the program).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Measurement:

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100. $[(686+2157)/(757+2371)]*100= 91$

Note: A total 753 Part B 619 survey responses were received with 686 favorable. A total 2371 Part B school-aged survey responses were received with 2157 favorable.

FFY	Measurable and Rigorous Target for FFY2009
2009	91% of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities
FFY	Actual Target Data for FFY2009
2009	91% of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

The percentage of parents with a child receiving special education services who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities met the target. Surveys were mailed first class mail to parents of students with disabilities in LEAs and CDS sites; 14,205 surveys were mailed to parents of Part B children. A total of 3,128 responses were received for a response rate of 22%. The data were electronically captured from each of the surveys. The data were provided to the LEAs and CDS sites for their consideration in improvement planning. The data will be reviewed with the LEA or CDS site during program review where a decision on required action will be made.

Maine contracted with the Maine Parent Federation (MPF) for the 2009-2010 and subsequent school years due to a lack of sufficient resources within MDOE. MPF contacts the Child Development Services State Office and LEAs specified by the

Department to obtain parent contact information. MPF administered three types of surveys (Part C - birth to 2, Part B 619 for ages 3-5, and Part B school-age 5-20) along with a cover letter from CDS/MDOE. The Part B 619 and the Part B school-aged results will be reported in the indicator 8 response of the FFY 2011 APR. After the initial administration, MPF reviewed the strengths and weaknesses of the survey administration process with the Department and made recommendations to the Department for improving the process of survey administration.

The analysis of respondent representation was performed on the parent survey data. Only classroom placement (LRE) and disability type were sufficiently large in the sample to provide comparison with the population at large. Placement percentages are very representative (within 3%) between the survey group and the population in the surveyed LEAs. The sample contained responses from parents of students representing the proportions of students in the Specific Learning Disabilities and Speech Language Impairment populations of identification categories (the only two populations large enough to analyze) that were within 3% of the proportion for the sample population within the LEAs surveyed.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionate Representation

Indicator 9: Percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Measurement:

Percent = $\left[\frac{\text{\# of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification}}{\text{\# of LEAs in the State}}\right] \times 100 = \frac{[0]}{[150]} \times 100 = 0$

State's definition of disproportionate representation:

Disproportionate representation is defined as statistically significant difference between the identification rates of students with disabilities by ethnic proportion and the ethnic proportional representation overall within the LEA. A statistically significant difference is defined as representation three times the standard deviation estimate higher or lower than the LEA proportion for the specific subgroup population. See the SPP for this indicator for a detailed description of the analysis of disproportionate representation.

If an LEA is identified as having disproportionate representation, a review of the policies, practices and personnel (those associated with the student's IEP) must be done to determine that the LEA appropriately identified the student for special education services. "Inappropriate identification" would be any non-compliance in the IEP process that resulted in the student being identified incorrectly.

FFY	Measurable and Rigorous Target for FFY2009
2009	<i>0% of LEAs will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification</i>
FFY	Actual Target Data for FFY2009
2009	0% of LEAs have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Maine's examination of disproportionate representation includes all LEAs with greater than 10 students in ANY ethnic group. The analysis presents population sensitive confidence intervals that are then use to detect subgroup proportions that are significantly different than the proportion mean for the population. The examination of disproportionate representation includes assessment of both overrepresentation and underrepresentation of racial and ethnic groups in special education and related services.

In the case of disproportionate representation, the LEA proportions for ethnic representation are compared to the LEA special education proportions; if the special education proportion is significantly different than the LEA overall proportions, they are identified for additional review.

Reporting year	Number of LEAs with ethnic proportions outside the estimated confidence intervals	Number of LEAs found to have disproportionate representation that is the result of inappropriate identification
FFY2009	0	0

LEA profiles used as the basis for determination include a compliance measure for disproportionate representation in special education identification and related services. For the purposes of determination, non-compliance with this (or any compliance indicator) results in a maximum overall determination of Needs Assistance.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionate Representation

Indicator 10: Percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Measurement:

Percent = $\left[\frac{\text{\# of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification}}{\text{\# of LEAs in the State}} \right] \times 100 = \frac{[0]}{[150]} \times 100 = 0$

State's definition of disproportionate representation:

Disproportionate representation is defined as statistically significant difference between the identification rates of students with disabilities by ethnic proportion and the ethnic proportional representation overall within the LEA. A statistically significant difference is defined as three times the standard deviation estimate for the specific subgroup population. See the SPP for this indicator for a detailed description of the analysis of disproportionate representation.

If an LEA is identified as having disproportionate representation, a review of the policies, practices and personnel (those associated with the student's IEP) must be done to determine that the LEA appropriately identified the student for special education services. "Inappropriate identification" would be any non-compliance in the IEP process that resulted in the student being identified incorrectly.

FFY	Measurable and Rigorous Target for FFY2009
2009	0% of school districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification
FFY	Actual Target Data for FFY2009
2009	0% of LEAs have disproportionate representation of racial and ethnic groups in special education categories resulting from inappropriate identification

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Maine's examination of disproportionate representation includes all LEAs with greater than 10 students in ANY ethnic group; this includes all five ethnic groups (American Indian, Asian, Black, Caucasian, and Hispanic) for each disability. The analysis presents population sensitive confidence intervals that are then use to detect subgroup proportions that are significantly different than the proportion mean for the population. The examination of disproportionate representation includes assessment of both overrepresentation and underrepresentation of racial and ethnic groups in specific disability categories. In the case of disproportionate

representation in specific disability categories, the statewide proportions for ethnic representation are compared to the LEA special education disability category proportions; if the special education proportion is significantly different than the State overall proportions, the LEA is identified for additional review.

For FFY2009, five LEAs in the State meet the minimum population requirements; one LEA in six specific disabilities (Autism, Emotional Disabilities, Multiple Disabilities, Other Health Impairment, Specific Learning Disability, and Speech and Language Impairment), the other four only in one disability (Speech and Language Impairment). Population values in all other disabilities fail to meet the minimum population requirements. No LEAs show possible disproportionate representation of students in specific disabilities (Multiple Disabilities, Other Health Impairment, Specific Learning Disability, and Speech and Language Impairment). No LEAs exhibit disproportionate representation that is statistically significant; therefore, none are a result of inappropriate identification.

LEA profiles used as the basis for determination include a compliance measure for disproportionate representation in specific disability categories. For the purposes of determination, non-compliance with this (or any compliance indicator) results in a maximum overall determination of Needs Assistance.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

Measurement:

- # of children for whom parental consent to evaluate was received.
- # of children whose evaluations were completed within 60 days (or State-established timeline).

Percent = [(b) divided by (a)] times 100 = $[(12419)/(14630)] \times 100 = 84.9$

Note: 05-071 Chapter 101, Maine Unified Special Education Regulation (page 36) establishes timelines for initial evaluation in section V.1.A.(3)(a)(i) as follows: "To determine whether a child is a child with a disability (as defined in 20 USC 1402) *within 60 calendar days of receiving parental consent for the evaluation for children in the Child Development Services System and within 45 school days of receiving parental consent for the evaluation for children 5-20 years of age under the responsibility of the public school system*".

FFY	Measurable and Rigorous Target for FFY2009
2009	<i>100% of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State-established timeline)</i>
FFY	Actual Target Data for FFY2009
2009	84.9% of children with parental consent to evaluate were evaluated and eligibility was determined within 60 days (or State-established timeline)

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of non-compliance reflected in the data the State reported	While Maine's data do not demonstrate compliance, they demonstrate progress toward compliance. Maine reports on the correction of non-compliance reported in FFY 2008 in the "Correction of FFYs 2006 to 2008 Findings of Non-compliance" section below.

Statement from the Response Table	State's Response
for this indicator.	
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 11.
The State must clarify the number of findings of non-compliance identified in FFY 2007 for this indicator and the number of findings that were corrected. The State must demonstrate, in the FFY 2009 APR, that the remaining 13 uncorrected non-compliance findings identified in FFY 2007 (or the revised number of findings of non-compliance identified in FFY 2007) were corrected.	See table "Correction of FFYs 2006 to 2008 Findings of Non-compliance" below.
When reporting the correction of non-compliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with non-compliance reflected in the FFY 2008 data the State reported for this indicator and each LEA with remaining uncorrected findings of non-compliance identified in FFY 2007: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02 dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	Maine reports on the verification of correction of non-compliance identified in FFYs 2006 to FFY 2008 consistent with OSEP Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Non-compliance" section below.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

This measure did not meet the 100% compliance target. Technical assistance provided to the LEAs and CDS sites has improved focus on critical aspects of the development and maintenance of IEP documentation and implementation of the required evaluations.

The number of findings for FFY2009 is shown below. Some of the findings have been closed, but verification of others is still in progress. During monitoring reviews

in the 2009-2010 school year, the evaluation timeline compliance was monitored in LEAs serving school aged children in LEAs and preschool children in CDS sites. Findings from the monitoring are shown in the table below:

Monitoring in FFY 2009	FFY 2009 (July 2009 - June 2010)		
Indicator 11 Findings	# of LEAs with findings	# of LEAs reviewed	# of LEAs compliant
Number of CDS sites (preschool)	15	15	0
Number of LEAs (school aged)	35	48	13

Timeline compliance for both preschool and school aged children is determined through review of IEP records both in the data systems and during program monitoring. The data on findings indicates CDS regional site and LEA level notification and responsibility, but the data for calculation of the indicator compliance are compiled from individual records reviewed during program review monitoring. Details of the review activities, findings of non-compliance, treatment of the findings and the status of correction are discussed below.

Section I - Part B 619 (Ages 3 through 5)

Despite continued efforts the data for FFY2009 shows a decrease in compliance relative to FFY2008. The decrease may be due in part to the consistent change of evaluation timelines. Over this reporting year the timeline for children three to five in Maine regulations changed from 60 calendar days in June 2008 to 45 school days in January 2009 back to 60 calendar days in May 2009. Personnel have experienced confusion with the changes in both C and B. Because Maine CDS serves children birth to five any change in any part of the system can affect portions of the total system. Additionally, greater emphasis on data on the part of the CDS State IEU has resulted in better user awareness regarding what is required in the database. Better understanding of the definitions of the required data has helped remove discrepancies among interpretations at the site level; this in turn has had an effect on reported data. As we move to gathering data from the data system we can look forward to a steady improvement as time goes on.

Activities documented for FFY2009:

- Training on changes needed to improve this indicator provided to Directors at the June 2009 leadership conference held at the University of Maine (attendance required).
- Administrative Letter #20 - Part C and Part B Timeline Compliance Activities.
- Administrative Letter #21 - Amendment to Administrative Letter #20, Part C and Part B Timeline Compliance Activities, regarding September 1, 2009 due date.
- Organized and delivered two 2- day trainings (September '09 & May '10) on the Primary Coach Approach to Teaming (with national consultants Dathan Rush

and M'Lisa Sheldon) which included discussion of the steps, timing and processes of eligibility determination and IEP development.

- Provided follow-up on the Primary Coach Approach to Teaming Training to 6 CDS sites for 6 months.
- Instituted a system-wide timeline tracking process through the data system

In addition to the activities documented for FFY2009, the following activities continue:

- Weekly webinars with individuals who routinely enter and use the Case-e data system. These webinars are interactive and provide an opportunity for clarifying conversations between regional site personnel and the CDS State IEU Data Manager.
- Compliance timelines are discussed and stressed to all CDS personnel and contract providers by all CDS State IEU personnel, CDS State IEU contracted individuals who provide regional site training, and by the regional site Directors.
- The CDS State IEU contracts with two individuals to provide training to regional sites in the areas determined by the CDS State IEU Director as a result of Letters of Findings, data system reviews, as well as queries and requests from the field.
- CDS State IEU continuing use of, and reference to, Part C Process Chart for employee use available at <http://www.maine.gov/education/speced/cds/documents/PartCProcessChart.doc>
- The CDS State IEU provides Lunch and Learn sessions to CDS personnel. These remain a proven method of outreach and training to staff throughout the state based on feedback from personnel. The Lunch and Learn sessions are used to provide clarifying information on a variety of issues that have been discovered through monitoring, through requests from the field and/or consultants and based on information provided to the CDS State IEU. A focus of the Lunch and Learn sessions are on the clarification, practice and understand of the Part C Federal and State Regulations. As we move into the next fiscal year the Lunch and Learn sessions will expand to discuss best practices and strategies to meet OSEP indicator and Maine Unified Special Education Regulation (MUSER) requirements.

All nine CDS sites are implementing corrective action plans to address the findings for 2009. In every site, the initial and immediate requirement is to complete evaluations for those children whose evaluations were completed late. All of those evaluations are now complete. Most occurred within a week of identification, with a few requiring a few week longer to complete; all were completed within 30 days of identification. The range of days beyond the required timeline for the evaluations to be complete was 3 days to 72 days. Completion of the corrective action plans is being closely monitors by CDS State IEU staff to ensure completion within 12 months and to ensure consistency and completeness of correction.

Correction of FFYs 2006 to 2008 Findings of Non-compliance:

	FFY 2006	FFY 2007	FFY 2008
1. Number of findings of non-compliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	1*	12*	2*
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0	0	0
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1	12	2

Correction of FFYs 2006 to 2008 Findings of Non-compliance Not Timely Corrected (corrected more than one year from identification of the non-compliance) and/or Not Corrected:

	FFY 2006	FFY 2007	FFY 2008
4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	1	12	2
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	1	8	2
6. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0	4	0

* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a necessity for revising its method of tracking findings of non-compliance. In doing so, all findings of non-compliance, correction of non-compliance and correspondence, for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of non-compliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

Verification of Correction of Non-compliance, Consistent with OSEP Memorandum, 09-02:

Prior to considering any finding from FFY 2006 to FFY 2008 corrected, CDS State IEU verified that each regional site with non-compliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) had an IFSP with

transition steps and services initiated services, although late, for any child whose IFSP did not include transition steps and services, unless the child was no longer within the jurisdiction of the regional CDS site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed updated data from Case-e, performed on-site file reviews, verified data submitted through regional site self-assessments and compliance reports submitted for each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of non-compliance identified in the program. CDS State IEU also used Case-e to verify that each regional site had initiated services, although late, for any child whose services were not timely. If a service start date was not included in Case-e for each child, the findings was not considered corrected.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of non-compliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all non-compliance; and require any regional site with policies, procedures, or practices that contributed to the non-compliance to revise those policies, procedures, or practices and submit corrective action plans.

Section II - Part B School Aged (6 to 20)

During program review monitoring in FFY 2009, 35 of 48 LEAs were found non-compliant to the 45 school day timeline requirement. However, the file level compliance within the LEAs is very high. All non-compliant documents were found in 35 of the 48 LEAs reviewed. Each of the LEAs was required to create a corrective action plan within 60 calendar days of the letter of findings. The plans have been submitted to the Maine Department of Education, have been reviewed, and approval granted. Progress to those corrective action plans is being monitored by the program review staff to ensure correction is timely and meets the OSEP Memorandum 09-02 requirements. Immediate action was taken in every non-compliant LEA to ensure that evaluations were completed for all students with timeline violations; data have been reviewed by program review personnel to verify the evaluations were completed in every case. As a condition of approval, corrective action plans submitted were required to address the cause for evaluations not completed within timelines, which all addressed. Completion of the corrective actions is required to be submitted in writing with evidence or assurance of implementation of the planned corrections. Determinations for the FFY2009 indicators will include the indicator 11 non-compliance indication, which will result in "Needs Assistance" determination at best for each of the 35 LEAs with findings. The determination response for indicator 11 non-compliance will require each LEA to review a representative sample of files for initial timeline compliance using more recent files (updated data) to ensure the corrective actions implemented in response

to their findings of non-compliance this year have resulted in files compliant to the timeline requirement.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2012 and 2013 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

Measurement:

- # of children who have been served in Part C and referred to Part B (LEA notified pursuant to 637(a)(9)(A)) for Part B eligibility determination.
- # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- # of those found eligible who have an IEP developed and implemented by their third birthdays.
- # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- # of children who were referred to Part C less than 90 days before their third birthdays.

Percent = [(c) divided by (a - b - d - e)] times 100 = **[(516) divided by (696-33-75-25)]*100 = 91.7**

FFY	Measurable and Rigorous Target for FFY2009
2009	100% of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays
FFY	Actual Target Data for FFY2009
2009	91.7% of children referred by Part C prior to age 3 were found eligible for Part B, and had an IEP developed and implemented by their third birthdays

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of non-compliance reflected in the data the State reported for this indicator.	While Maine's data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of non-compliance reported in FFY 2008 in the "Verification of Correction of Non-compliance, Consistent with OSEP Memorandum, 09-02" section below.
When reporting the correction of non-compliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with non-compliance	The original findings of non-compliance resulted in immediate correction of individual files, followed by corrective action

Statement from the Response Table	State's Response
reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	plans submitted to and approved by MDOE to correct the source of the non-compliance, and then each LEA with a finding subsequently verified compliance by reviewing new files for students with transition requirements to assure that those files complied with the requirements. LEAs certified and MDOE validated compliance.
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 12.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

A total of 72 children have been served in Part C and referred to Part B but did not have their have an IEP developed and implemented by their third birthdays. The range of days beyond the third birthday when eligibility was determined and the IEP developed is included in the table below:

Number of days beyond the third birthday			
0_30	31_60	61_90	91Plus
34	2	7	29

In all 72 cases, the reasons for the delay were attributable to the CDS site. Training sessions have been done with the sites to emphasize the requirement to complete implementation of IEPs at age three transitions and sites have been required to perform self-audits with guidance and technical assistance provided by the CDS State IEU.

The data for FFY2009 APR shows an increase in compliance in relation to FFY2008. The increase is due to efforts by the CDS State IEU to focus technical assistance on improving adherence to the timeline to complete initial evaluations for children referred. Interviews during monitoring of the sites highlighted an issue that affects timelines: many case managers were waiting to receive evaluations from employed and contracted providers prior to setting up meetings. There was a lack of an established procedure to provide timelines for evaluators and it became clear that

this has been affecting the timeline compliance. The CDS State IEU provided documents for sites to utilize to meet state-established timelines. The Site Directors were trained regarding this initiative in June 2009 at the B-20 Maine Special Education Leadership Conference ([Administrative Letter #20](#) and [Administrative Letter #21](#))

The letters indicate clear expectations for CDS employees and contracted providers. Each regional site tracked referrals for evaluation from beginning to end within the timelines. For employees who do not meet the timelines, this deficiency becomes part of their personnel file. Contracted providers who do not provide the evaluation 15 days prior to the scheduled meeting (extraordinary circumstances are honored) were not paid for the evaluation. Adherence to these letters was monitored in the early spring of 2010.

In addition to the activities documented for FFY2009, the following activities continue:

- Weekly webinars with individuals who routinely enter and use the Case-e data system. These webinars are interactive and provide an opportunity for clarifying conversations between regional site personnel and the CDS State IEU Data Manager.
- Compliance timelines are continually discussed and stressed to all CDS personnel and contracted providers by all CDS State IEU personnel, CDS State IEU contracted individuals who provide regional site training, and by the Regional Site Directors.
- The CDS State IEU continues to contract with two individuals to provide training to regional sites in the areas designated by the CDS State IEU Director as a result of Letters of Findings, data system reviews, as well as queries and requests from the field.
- CDS State IEU continuing use of, and reference to, the Part C Process Chart for employee use
http://www.maine.gov/education/speced/cds/program_overview_2009.pdf
- The CDS State IEU continues to provide Lunch and Learn sessions to CDS personnel. These continue to be a proven method of outreach and training to staff throughout the State. The Lunch and Learn sessions are used to provide clarifying information on a variety of issues that have been discovered through monitoring, through requests from the field and/or consultants and based on information provided to the CDS State IEU. A major focus of the Lunch and Learn sessions are on the clarification, practice and understand of the Part C Federal and State Regulations. As we move into the next fiscal year, the Lunch and Learn sessions will expand to discuss best practices and strategies to meet OSEP indicators and MUSER requirements. The success of the Lunch and Learn sessions was shared by the Director at the 2009 Leadership conference.
- For FFY2009, the CDS State IEU utilized ARRA funds to support the work of a contracted individual who is working at each local site regarding indicator 12. This individual addresses the data from each site's Letter of Findings and

provides training based on each site's specific needs. In addition to the B12 training the CDS State IEU will continue monitoring each site showing non-compliance through desk audits, focused monitoring and on-site review.

Verification of Correction of Non-compliance, Consistent with OSEP Memorandum, 09-02:

Prior to considering any finding from FFY 2006 to FFY 2008 corrected, CDS State IEU verified that each regional site with non-compliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) had an IFSP with transition steps and services initiated services, although late, for any child whose IFSP did not include transition steps and services, unless the child was no longer within the jurisdiction of the regional CDS site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed updated data from Case-e, performed on-site file reviews, verified data submitted through regional site self-assessments and compliance reports submitted for each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of non-compliance identified in the program. CDS State IEU also used Case-e to verify that each regional site had initiated services, although late, for any child whose services were not timely. If a service start date was not included in Case-e for each child, the findings was not considered corrected.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of non-compliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all non-compliance; and require any regional site with policies, procedures, or practices that contributed to the non-compliance to revise those policies, procedures, or practices and submit corrective action plans.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

This indicator is considered a new indicator for Federal Fiscal Year 2009 (FFY2009), the reported year 2009-2010, and is reported using the State Performance Plan (SPP) template in the FFY2009 Annual Performance Report (APR). This content is also included in the FFY2009 SPP update for February 1, 2011.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Measurement:

Percent = $\left[\frac{\text{(\# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs)}}{\text{(\# of youth with an IEP age 16 and above)}} \right] \times 100 = \frac{(1100)}{(1246)} \times 100 = 88$

FFY	Measurable and Rigorous Target for FFY2009
2009	<i>100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs</i>
FFY	Actual Target Data for FFY2009
2009	88% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.	Revised baseline and targets included below.
In the FFY 2009 APR, the State must clarify the number of findings of non-compliance identified in FFY 2007 for this indicator and the number of those findings that were corrected. When reporting the correction of non-compliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with non-compliance identified in FFY 2007: (1) is correctly implementing 34 CFR §300.320(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of non-compliance unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	The FFY 2007 APR reported 18 findings of non-compliance. All 18 have been corrected and subsequently verified using more recent (updated data). The original finding of non-compliance resulted in immediate correction of individual files, followed by corrective action plans submitted to and approved by MDOE to correct the source of the non-compliance, and then each LEA with a finding subsequently verified compliance by reviewing new files for students with transition requirements to ensure that those files complied with the requirements. LEAs certified and MDOE validated compliance.

Overview of Issue/Description of System or Process:

Program monitoring procedures verify measurable transition goals in a selected group of Individualized Education Program (IEP) files each year. The program monitoring process will continue to collect these data with a clear definition of "measurable goals." Provisions for student invitation to the IEP meeting and the framework for the development of appropriate goals are integrated into the design of Maine's require state IEP form. The IEP required form (like all special education required forms) is announced each year by a letter from the Commissioner and is posted on the MDOE website for LEAs to copy and use (<http://www.maine.gov/education/forms/specservices.htm>).

Baseline Data for FFY 2009 (2009-2010):

The Maine State Monitoring Review Team performed on-site reviews of 48 LEAs during the 2009-2010 school year, with 1639 student Individualized Education Program documents. Of those, 1246 documents were found to contain requirements for students age 16 or older and 1100 were found to comply with the transition goals and services requirement; this yields a rate of compliance of 88% (1100/1246). All non-compliant documents were found in 26 of the 48 LEAs reviewed. Those LEAs found non-compliant with indicator 13 requirements were required to create a corrective action plan within 60 calendar days of the letter of

findings. The plans have been submitted to the Maine Department of Education, have been reviewed, and approval granted. Progress on those corrective action plans is being monitored by the program review staff to ensure correction is timely and meets the OSEP memo 09-02 requirements. Immediate action was taken in every non-compliant LEA to ensure that IEP transition goals for all students with violations were in compliance. Subsequent data were review by program review personnel at MDOE to ensure the corrections were completed. As a condition of approval, corrective action plans submitted were required to address the cause for lack of appropriate transition goals or associated requirements, which all addressed. Completion of the corrective actions is required to be submitted in writing with evidence or assurance of implementation of the planned corrections.

Determinations for the FFY2009 indicators will include notice of the indicator 13 non-compliance, which will result in "Needs Assistance" determination for each of the 26 LEAs with findings. The determination response for indicator 13 non-compliance will require each LEA to review a representative sample of files for transition goal compliance using more recent files (updated data) to ensure the corrective actions implemented in response to their findings of non-compliance this year have resulted in files compliant to the transition goal requirement.

Discussion of Baseline Data:

Data indicate that schools have appropriate systems in place to ensure the inclusion of transition goals in IEP files. Training support will be provided to those LEAs exhibiting need for improvement.

This is a compliance indicator so the target is set at 100%.

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs
2011 (2011-2012)	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs
2012 (2012-2013)	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs

Improvement Activities/Timelines/Resources:

Improvement Activities	Timelines									Resources
	FFY Year when activities will occur									
	05	06	07	08	09	10	11	12		
Monitoring reviews performed on site at each LEA once every six years.						X	X	X	GSST	
Technical assistance and professional development will be provided to LEAs who have not met the target.						X	X	X	GSST	
Review the protocol and specific questions used in program monitoring to capture data on the assessment of the number of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.						X	X		MDOE	

Part B State Performance Plan (SPP) for FFY2009

Overview of the State Performance Plan Development:

This indicator is considered a new indicator for Federal Fiscal Year 2009 (FFY2009), the reported year 2009-2010, and is reported using the State Performance Plan (SPP) template in the FFY2009 Annual Performance Report (APR). This content is also included in the FFY2009 SPP update for February 1, 2011.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

Measurement:

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100 = $[(210)/(591)]*100 = 35.5$

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100 = $[(210+334)/(591)]*100 = 92.0$

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100 = $[(210+317+15)/(591)]*100 = 94.6$

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
In the FFY 2009 APR, the State must report a new baseline, targets, and, as needed, improvement activities.	New baseline data, targets, and improvement activities are reported here and in the SPP.

Overview of Issue/Description of System or Process:

Maine initially began collecting post high school data in the State Improvement Grant (SIG) under Goal 1: “Determine baseline and yearly the numbers of students with disabilities entering post-secondary education or employment.” This led to the development of the Maine YES (Youth Exiting Schools) project. In that project, special education students and general education students were matched on a number of demographic variables such as age and gender.

It was decided to survey all students with IEPs in order to establish a baseline for this indicator in the original development of the indicator targets and improvement activities. The target population for those exiting school in the 2004-05 school year was 2,097 youth in all exit categories (graduated, dropped out, aged out, etc.). Contact information was requested for these students and eventually a total of 626 were successfully contacted. Of these, 129 refused to take the survey leaving a respondent sample 497. The data collected were used as the baseline for FFY2005.

A similar process has been employed for each year since 2005 selecting students exiting from those LEAs scheduled for program review in the following year. Data collection was conducted one year after the cohort group exited high school, and the data were provided to LEAs during their program review.

Individual responses from the survey are counted as competitively employed using answers to three questions: “DO YOU CURRENTLY HAVE A PAYING JOB?” answered “yes” AND “WHAT IS YOUR SALARY ON THIS JOB?” answered “Above minimum wage (>\$6.50)”, plus the answer “yes” to “ARE YOU IN THE MILITARY?” Individual responses from the survey are counted as enrolled in some type of postsecondary school using the answer “yes” to the question “ARE YOU IN SCHOOL NOW?” The original survey design and question structure are compatible with the new measurement format; the data must be pooled into the three measurement categories.

A. Data responding to measurement subpart A is the response to, “ARE YOU IN SCHOOL NOW?” In school from this response is defined as enrolled in at least a single semester or module in a two-year, or four-year institution of higher education. In-state institutions of higher education include community colleges, public university locations, and private colleges. The number of young adults responding with “yes” answers will be divided by the total number of exiters from the selected LEAs for the year.

B. Data responding to measurement subpart B will sum the data from A above with the responses to the questions: “DO YOU CURRENTLY HAVE A PAYING JOB?” answered “yes” and “WHAT IS YOUR SALARY ON THIS JOB?” answered “Above minimum wage (>\$6.50)” plus the answer “yes” to “ARE YOU IN THE MILITARY?”. A paying job is defined as a job with pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

C. Data responding to measurement subpart C will sum the data from B above with the responses to the question, “ARE YOU IN SCHOOL NOW?” where in-school includes youth enrolled on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, or vocational technical school which is less than a 2-year program). Also included will be responses to the questions “DO YOU CURRENTLY HAVE A PAYING JOB?” answered “yes” and “WHAT IS YOUR SALARY ON THIS JOB?”, but where employment is defined as work for pay or self-employment for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

Baseline Data from FFY2009:

Data for 2009 graduates was not possible to collect. The agency contracted to collect the data was terminated by legislative action with insufficient time to recover the data collection. However, data for previous years are sufficient to determine baseline performance and establish targets for subsequent years. The collections provided data in disaggregated form that permitted alignment with the new measurement reporting requirements. Those data are included above and form the basis for the Measurable and Rigorous Targets shown in the table below.

Discussion of Baseline Data:

Targets for the new measurement will be established using analysis of disaggregated student survey data collect in this and previous years. Those new targets will be developed in concert with others requiring revision this year due to measurement changes. New targets will be included in the SPP.

FFY	Measurable and Rigorous Target		
2010 (2010-2011)	A. 35% enrolled in higher education	B. 92% enrolled in higher education or competitively employed	C. 94% enrolled in higher education, or in some other postsecondary education or training program; or competitively employed
2011 (2011-2012)	A. 35.5% enrolled in higher education	B. 92% enrolled in higher education or competitively employed	C. 94.5% enrolled in higher education, or in some other postsecondary education or training program; or competitively employed
2012 (2012-2013)	A. 36% enrolled in higher education	B. 92.5% enrolled in higher education or competitively	C. 95% enrolled in higher education, or in some other postsecondary education or

FFY	Measurable and Rigorous Target		
		employed	training program; or competitively employed

Improvement Activities/Timelines/Resources (through 2012):

Improvement Activities	Timelines								Resources
	FFY Year when activities will occur								
	05	06	07	08	09	10	11	12	
Monitoring reviews performed on site at each LEA once every will include assessment of LEA level post-school outcomes based on their latest survey data.						X	X	X	GSST
Technical assistance and professional development will be provided to LEAs who have not met the target.						X	X	X	GSST

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects non-compliance as soon as possible but in no case later than one year from identification.

Measurement:

Percent of non-compliance corrected within one year of identification:

- a. # of findings of non-compliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Target data for FFY 2009 – the percent shown in the last row of the Indicator 15 Worksheet [column (b) sum divided by column (a)] sum times 100

(Indicator 15 Worksheet included within the text of this indicator below)

FFY	Measurable and Rigorous Target for FFY2009
2009	100% non-compliance corrected within one year of identification
FFY	Actual Target Data for FFY2009
2009	44.8% non-compliance corrected within one year of identification

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the remaining eight findings of non-compliance regarding provision of services to preschool children with disabilities identified in CDS sites that it followed up on in its September 2007 letters that were not reported as corrected in the FFY 2008 APR were corrected. The State's failure to correct longstanding non-compliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2009 APR, that it has corrected this non-compliance.	The eight findings of non-compliance in the CDS regional sites addressed in the letter of September 2007 have been corrected. The subsequent verification of updated data resulted in additional findings of non-compliance discussed further in the narrative of this indicator. See narrative immediately following the Indicator 15 Worksheet.

Statement from the Response Table	State's Response
The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State timely corrected non-compliance identified by the State in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 15.
In reporting on correction of non-compliance in the FFY 2009 APR, the State must report that it verified that each LEA with non-compliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, and (2) has corrected each individual case of non-compliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	Maine reports on the verification of correction of non-compliance identified in FFYs 2006 to FFY 2008 consistent with OSEP Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Non-compliance" section below.
In reporting on indicator 15 in the FFY 2009 APR, the State must use the indicator 15 Worksheet.	The Indicator 15 Worksheet is used below. See page 67.
In addition, in responding to indicators 11, 12, and 13 in the FFY 2009 APR, the State must report on correction of the non-compliance described in this table under those indicators.	Correction of non-compliance for indicators 11, 12, and 13 are described in the tables and narrative of those indicators in this APR.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

In FFY2007, the CDS State IEU, with technical assistance from NERRC, developed a pilot birth to five General Supervision System that referenced and built upon the general supervision system "Big 8" developed by OSEP. The system was developed based on a crosswalk with all facets of the Big 8 (<http://www.maine.gov/education/speced/cds/supervision/documents/Big8Summary.doc>) and current CDS State IEU infrastructure and practices.

The system established a mechanism to define the requirements of general supervision, an annual performance determination for each regional site on the Part C indicators, a

self-assessment process for each site, and the structure and support available from the CDS State IEU. The regional sites, regional boards, CDS State Level Advisory Board and the State Advisory Council supported the system. The CDS State IEU Director and Part C/619 Policy Manager provided numerous trainings and technical assistance to the above groups and individuals during that year.

In FFY2008, the CDS State IEU worked with members of the K-20 Special Services Team to merge the Birth to Five GSST with the former 5 to 20 CIMP (Continues Improvement and Monitoring Program) process. The new B-20 General Supervision System Team was created in the summer of 2009 to respond to the federal Office of Special Education Program determination letters for both Part C (children ages birth to 2) and Part B (children age 3-20) as well as correlation with OSEP's Critical Elements Analysis Guide.

The B-20 General Supervision System Team has a core team made up of the following positions:

- CDS State IEU Director (also the GSST Team Leader)
- MDOE Special Services Team Leader
- Federal Program Coordinator
- CDS State IEU Data Manager
- CDS Policy Manager
- Data Distinguished Educator
- Part B Data Manager

This Core group has weekly scheduled meetings. In addition, this group involves other individuals throughout the Department of Education and Special Services as needed to discuss all aspects of the General Supervision System.

The current B-20 GSST is responsible for, and oversees, the management and oversight of:

- Development and implementation of a revised data driven monitoring system
- Department level transition from the old monitoring system to the new system
- Successful utilization of the new system 2009/2010
- Assessment of the revised system for use in 2010/2011
- Training to B-20 School Administrative Units (SAUs) regarding the system
- Revision to the annual determination process for all B-20 SAUs
- Creation of data partnership with special administrators in the field to assure timely and accurate data reporting
- Data analysis to determine trends and issues that require future training statewide or locally
- Input into changes in the Local Entitlement Applications for CDS and for all SAUs
- Consistent Communication with the all B-20 SAUs in the field
- Preparation of Administrative and/or Informational Letters from the Commissioner (<http://www.maine.gov/education/edlets/index.shtml>)

- Revision to applicable policies, procedures and forms (<http://www.maine.gov/education/speced/gsst/index.html>)
- Utilization of OSEP calendar for planning, timelines, annual program reporting

Some Key Next Steps:

- Institutionalization of processes for Department use
- Alignment of appropriate Special Services Team personnel with the system
- Long term analysis of data to determine technical assistance needs of the B-20 SAUs
- Determinations of targeted funding for GSST work
- Effective access to targeted Department data
- Further refinement of Local Entitlement Application (B-20) processes including utilization of federal funds to support changes at the B-20 local level in alignment with the SPP/APR
- Provision of training to the field by Department staff regarding systemic issues and concerns articulated by the GSST process

Additional information regarding the GSST can be found at the following link

<http://www.maine.gov/education/speced/gsst/index.html>

CDS Part C FFY2009 implementation of the B-20 GSST:

- Regional site monitoring of all 15 sites utilizing a redesigned Letter of Finding template (http://www.maine.gov/education/speced/cds/monitoring/documents/template_amendedLOF.doc)
- Utilization of a Corrective Action Plan template for all 15 sites (http://www.maine.gov/education/speced/gsst/documents/cap_final.doc)
- 15 regional sites submitted to the State IEU, a self-assessment plan which included data collection and comparison, internal audit, in depth indicator self-assessments and promising practices (http://www.maine.gov/education/speced/cds/supervision/sec_3_selfassess.html)
- Utilization of ARRA funds by the CDS State IEU to support a 0.60 FTE position for a Part C Technical Advisor who worked with sites to establish evidence based early intervention teams to implement consistent practice and to and improve timeline compliance. This position was increased to one FTE as of July 1, 2010.
- Utilization of ARRA funding to support contracted assistance for professional development in evidence based early intervention and timeline compliance.
- The weekly Lunch and Learn schedule was reconfigured to support one session monthly to focus on Part C only.

- Discussions at monthly Site Director Council meetings focused on valid and reliable data, indicator understanding, and compliance.
- April 7, 2010 training “From File to APR”
(<http://www.maine.gov/education/speced/cds/training/documents/FromFILEtoAPRFINAL2.ppt>)
- Policy Letters (<http://www.maine.gov/education/speced/cds/adminlett.html>)
 - Administrative Letter #20: Part C and Part B Timeline Compliance
 - Administrative Letter #21: Amendment to Administrative Letter #20, Part C and Part B Timeline Compliance Activities, regarding September 1, 2009 due date
 - Informational Letter #2: CDS State IEU Follow up to Informational Letter #51; Regarding School Administrative Unit (SAU, including CDS sites): Results from Profile Data under IDEA SPP Determinations
- On-site training for indicator C3 using the Child Outcome Summary Form (COSF)
- Reorganization of 15 sites to nine resulted in assignment of outstanding findings and/or determination issues to the newly reconfigured sites
(http://www.maine.gov/education/speced/cds/monitoring/documents/template_amendedLOF.doc)

* During the past year, with a change in staff and a review of past practices against the requirements of OSEP Memorandum 09-02, CDS/MDOE discovered a need for revising its method of tracking findings of non-compliance. In doing so, all findings of non-compliance, correction of non-compliance, and correspondence for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of non-compliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

Number of findings of non-compliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	61
Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	27
Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	34

Correction of FFY 2008 Findings of Non-compliance Not Timely Corrected (corrected more than one year from identification of the non-compliance):

Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	34
Number of findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	6
Number of findings <u>not</u> yet verified as corrected [(4) minus (5)]	28

PART B INDICATOR 15 WORKSHEET (next three pages)

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
4A. Percent of LEAs identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	11	11	1

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
9. Percent of LEAs with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	0
	Dispute Resolution: Complaints, Hearings	1	1	1
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	0
	Dispute Resolution: Complaints, Hearings	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of non-compliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of non-compliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of non-compliance: Findings of non-compliance related to implementation of Maine's Unified Special Education Regulation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	20	2
	Dispute Resolution: Complaints, Hearings	22	22	21
Other areas of non-compliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Sum the numbers down Column a and Column b			61	27
Percent of non-compliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	44.3

FFY2009 was a year of transition for the CDS system. In this year many changes occurred at the CDS State IEU level and the regional site level. July 1, 2009 the

Distinguished Educator responsible for monitoring returned to her SAU which in turn provided for the third transition of monitoring staff at the state level in five years. The transition of staff involved in the monitoring process has provided both strengths and challenges. A challenge that has been solved was the lack of consistent tracking of areas of non-compliance when identified or/and corrected. Another challenge faced was the lack of consistent language used to identify the areas of non-compliance. In the spring of 2010 the Data Distinguished Educator and the Part C/ Part B Policy Manager began developing a tracking mechanism for the status of all findings identified. This work is ongoing. In the fall of 2010, the B-5 GSST team members compiled all findings identified and corrected since February of 2007 (FFY2006 reported in FFY2007 APR).

The transition into the B-20 GSST provided an opportunity for all of the SAUs throughout the State to align to the same monitoring timeline. In this first year of a consistent timeline, all SAUs were notified of their identified areas of non-compliance and correction in June. This delayed the CDS SAU letters of notification of correction one day over their year to correct their areas non-compliance. Of the 18 identified findings made in FFY2008, two were corrected one day past the year in which correction needed to be made. Of the remaining 16, seven were subsequently verified as corrected.

Other transitions that have provided challenges to the correction of non-compliance within the year required were the combining of two regional sites into one regional site, which made 15 regional CDS sites in the State in July 2009. In October of 2009, the CDS State IEU was directed to make changes to its system to respond to a budget crisis in the State. The CDS State IEU quickly formed a group of CDS State IEU staff, regional staff and regional board members to look at the CDS system and provide recommendations to the CDS State IEU Director and MDOE Education Commissioner. One of the recommendations was to consolidate the CDS system. The group recommended that the state move from 15 regional locations to nine. As with any change, CDS Directors, staff and providers had difficulty prioritizing the needs of their work. The current CDS monitoring staff feels this has negatively impacted the results in the correction of non-compliance. Out of the 33 remaining findings of non-compliance not corrected (for FFY2006, FFY2007 and FFY2008), 16 (48%) fall within the jurisdiction of the sites that were determined to close as of June 30, 2010. After consulting with OSEP, the newly reconfigured sites were notified that all remaining areas of non-compliance from the closed sites became their responsibility to correct. The status of these areas of non-compliance will be monitored in spring of 2011.

In the spring of 2010 (FFY2009), the CDS State IEU provided more specific training to regional site Directors and site teams regarding OSEP Memo 09-02. Throughout the year the CDS State IEU personnel consistently shared information gained through national conferences, webinars, and technical assistance with site Directors on indicators and general supervision requirements. Time was given to the site Directors and as requested their staff to have representatives from the CDS State IEU to explain GSST, Letters of Findings, data, Corrective Action Plans and the prongs of OSEP Memo 09-02.

The CDS System as a whole is effecting positive change as indicated by the improved data from FFY2007 and FFY2008. We now are knowledgeable about each site and the barriers at some to make the required changes. We have a team assembled now with greater depth of knowledge and experience with this system the site Directors now request that CDS State IEU personnel present to their staff. It is clear there is increased ownership for indicator growth at each regional site.

FFY2010 GSST timeline-

When	What	Who
September 15	SAUs Notified of Monitoring Involvement	DOE-GSST
October 27	Annual Focused Monitoring Notification of Instruction (1/6th)	DOE-GSST
November 3 & 4	Webinars (Annual Focused Monitoring)	DOE-GSST SAU
November 5	Data Collection Begins	SAU
December 15 - 30	Data due to DOE	SAU
January 1- February 15	Review and Verification of Data	DOE-GSST
March 1	Letters of Findings(LOF)/Notification of Non-compliance	DOE-GSST
April 15	LOF Corrective Action Plan (CAP) due to DOE	SAU
May 15	Notification of LOF CAP Approval	DOE-GSST
June 1	CDS Local Entitlement Due	SAU (CDS only)
September 15	5-20 Local Entitlement Due	SAU (5-20 only)

Correction of FFYs 2006 to 2008 Findings of Non-compliance:

	FFY 2006	FFY 2007	FFY 2008
7. Number of findings of non-compliance the State made during FFYs 2006 to 2008	15*	153*	35*
8. Number of FFY 2006 to 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	0	98	2
9. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	15	55	33

Correction of FFYs 2006 to 2008 Findings of Non-compliance Not Timely Corrected (corrected more than one year from identification of the non-compliance) and/or Not Corrected:

	FFY 2006	FFY 2007	FFY 2008
10. Number of FFY 2006 to 2008 findings not timely corrected (same as the number from (3) above)	15	55	33
11. Number of FFY 2006 to 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	15	31	5
12. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0	24	28

* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a need for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance and correspondence, for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

Measurement:

Table 7 data, section A

SECTION A: Written, Signed Complaints	
(1) Total number of written, signed complaints filed	53
(1.1) Complaints with reports issued	11
(a) Reports with findings of non-compliance	6
(b) Reports within timeline	6
(c) Reports within extended timelines	5
(1.2) Complaints pending	0
(a) Complaints pending a due process hearing	0
(1.3) Complaints withdrawn or dismissed	42

Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100 = $[(6+5)/11] \times 100 = 100$

FFY	Measurable and Rigorous Target for FFY2009
2009	100% of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint
FFY	Actual Target Data for FFY2009
2009	100% of signed written complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

This measure met the target. 100 percent of signed written complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. Six of the 11 complaints with reports issued were resolved within timelines without extension. Cases extended

due to exceptional circumstances met the guidelines provided by the Due Process Office (DPO) for consideration of requests for extension.

As had been planned in the SPP, the DPO and the stakeholder group review cases monthly for closure timelines and consideration of support requirements. The SPP stakeholder group reviews case summaries and outcomes with members of the DPO to discuss procedural safeguards, support requirements, and opportunities for systemic improvement. The summaries are also posted on our website (<http://www.state.me.us/education/speced/dueprocess/2009Complaints.html>) in redacted form for parents and others in the public to review. Data reports of case progress and follow-up actions are produced interactively by DPO personnel using the case management database for use in their daily activities and in their presentations to stakeholder and interested parties. All of these activities have combined to heighten awareness of the timeline requirement and have improved case management through appropriate visibility and review.

Complaint investigation reports, procedures, policies and forms are available electronically on the due process website:

<http://www.state.me.us/education/speced/dueprocess/index.htm>

During FFY2009, Maine reported 8 complaint investigations with findings. Each of the corrective actions was tracked in a database and followed to completion with DPO overseeing the responsible LEAs completion. Each of the findings was corrected within the required 12 months and the closures have been reporting among the findings corrected in indicator 15 of this report.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

Measurement:

Table 7 data, section C

SECTION C: Due Process Complaints	
(3) Total number of due process complaints filed	42
(3.1) Resolution meetings	8
(a) Written settlement agreements reached through resolution meetings	2
(3.2) Hearings fully adjudicated	0
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	0
(3.3) Due process complaints pending	3
(3.4) Due process complaints withdrawn or dismissed (including resolved without a hearing)	39

Percent = $[(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100 = [(0+0)/0]*100 = \text{no cases fully adjudicated}$

FFY	Measurable and Rigorous Target for FFY2009
2009	100% of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party
FFY	Actual Target Data for FFY2009
2009	No cases were fully adjudicated

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

No cases were fully adjudicated this year. Request for hearing were all resolved without a hearing. The DPO and the stakeholder group review case status and progress monthly to ensure timeline compliance.

Hearing reports, policies and forms are available electronically on the due process website: <http://www.state.me.us/education/speced/dueprocess/index.htm>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Measurement:

Table 7 data, section C

SECTION C: Due Process Complaints	
(3) Total number of due process complaints filed	42
(3.1) Resolution meetings	8
(a) Written settlement agreements reached through resolution meetings	2
(3.2) Hearings fully adjudicated	0
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	0
(3.3) Due process complaints pending	3
(3.4) Due process complaints withdrawn or dismissed (including resolved without a hearing)	39

Percent = [(3.1(a) divided by 3.1)] times 100 = $[(2/8)] * 100 = 25$

FFY	Measurable and Rigorous Target for FFY2009
2009	45% of resolution sessions will result in settlement agreements
FFY	Actual Target Data for FFY2009
2009	25% of resolution sessions resulted in settlement agreements

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Fewer than 10 cases went to resolution session.

The DPO produced "Resolution Sessions, A Guide for Parents and Educators" to help parents and educators better understand the resolution session as one of the ways to resolve special education disputes. The handbook will be provided to individuals requesting a due process hearing.

The due process website has been significantly upgraded this year to provide a number of new documents and technical assistance to the public. The resolution

session document and forms are available electronically on the due process website: <http://www.state.me.us/education/speced/dueprocess/index.htm>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

Measurement:

Table 7 data, section B

SECTION B: Mediation Requests	
(2) Total number of mediation requests received through all dispute resolution processes	113
(2.1) Mediations held	57
(a) Mediations held related to due process complaints	19
(i) Mediation agreements related to due process complaints	13
(b) Mediations held not related to due process complaints	38
(i) Mediation agreements not related to due process complaints	31
(2.2) Mediations pending	0
(2.3) Mediations withdrawn or not held	56

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100 = **[(13+31)/57]*100 = 77**

FFY	Measurable and Rigorous Target for FFY2009
2009	82% of mediations held will result in mediation agreements
FFY	Actual Target Data for FFY2009
2009	77% of mediations held resulted in mediation agreements

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

This measure did not meet the target.

When a dispute resolution request is received for a complaint investigation, hearing or expedited hearing, and the initiating party has indicated an unwillingness to participate in mediation, DPO staff follow up with the initiating party to discuss the benefits of mediation. Information is provided on: the difference between mediation and an IEP meeting; the expertise, knowledge and objectivity of the mediators on the DPO roster; the wide scope of issues that can be mediated; and the constructive/positive effect participation in mediation can have on the communication between the parties.

The mediation handbook is available electronically on the due process website:
<http://www.state.me.us/education/speced/dueprocess/index.htm>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Measurement: See Indicator 20 Scoring Rubric

FFY	Measurable and Rigorous Target for FFY2009
2009	100% of data submitted will be on time and accurate
FFY	Actual Target Data for FFY2009
2009	98.9% of data submitted on time and accurate

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 20.
In reporting on indicator 20 in the FFY 2009 APR, the State must use the indicator 20 Data Rubric.	The indicator 20 Data Rubric is used below.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Maine is submitting most of its 618 data via EDFacts, but continues to submit Table 7 using the Data Accountability Center DTS workbook. The data validation procedure has been expanded to perform a double-check of the EDFacts data by entering the data into the DTS formats to ensure compatibility. Reports have been developed to permit review of year-to-year changes in data in anticipation of clarification request or to highlight where data notes may be necessary. These steps have improved data quality and have prepared the State to resolve data issues before the data are submitted.

The Maine Department of Education received technical assistance from the New England Regional Resource Center (NERRC) and Jane Nell Luster to determine our need for Data Accountability Center (DAC) customized technical assistance. The technical assistance Maine received guided changes to our data validation and quality assurance procedures pertaining to 618 data and EDFacts data submissions. Those improvements in our internal controls resulted in complete and accurate data submissions substantially meeting the requirements for Federal Fiscal Year 2008 data, reported February 1, 2010 in indicator 20. The improvements in our validation procedures and data verification processes continue to provide valid and reliable data as we increase our submissions via EDFacts.

Part B Indicator 20 Data Rubric (continued on next page)

Part B Indicator 20 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
4B	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	0	1
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	39
APR Score Calculation	Timely Submission Points - If the FFY 2009 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total – (Sum of the subtotal and Timely Submission Points) =		45.00

This year, we were unable to use newly collected data to establish a baseline for indicator 14 so historical data in a valid format was used. Therefore, the APR indicator value for "Correct calculation" related to indicator 14 is entered as zero in the table above.

Part B Indicator 20 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 – Child Count Due Date: 2/1/10	1	1	1	N/A ¹	3
Table 2 – Personnel Due Date: 11/1/10	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/10	1	1	1	N/A ²	3
Table 4 – Exiting Due Date: 11/1/10	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/10	1	1	1	1*	4
Table 6 – State Assessment Due Date: 2/1/11	1	NA	NA	1**	2
Table 7 – Dispute Resolution Due Date: 11/1/10	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 2.143)=		45

Indicator #20 Calculation	
A. APR Grand Total	44.00
B. 618 Grand Total	45.00
C. APR Grand Total (A) + 618 Grand Total (B) =	89.00
Total N/A in APR	0
Total N/A in 618*	0
Base	90.00
D. Subtotal (C divided by Base) =	0.9888
E. Indicator Score (Subtotal D x 100) =	98.88

¹ Maine received no request for data notes regarding child count

² Maine received no request for data notes regarding educational environments.

* Added data note request for Table 5 regarding zeros reported for serious bodily injury 1/19/11.

** Responded to request for explanation of year to year changes 10/26/2010.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-04.